

05/14/04

Page 1 of 2

Sequence Listing

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/617,320	07/10/2003	Lynn A. Doucette-Stamm	GTC03-02

Robert L. Spadafora  
Genome Therapeutics Corporation  
100 Beaver Street  
Waltham, MA 02453

CONFIRMATION NO. 8003

## FORMALITIES LETTER



\*OC000000011276262\*

Date Mailed: 11/14/2003

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c). Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$86 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$86 for a Large Entity

- Total additional claim fee(s) for this application is \$86
  - \$86 for 7 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice MUST be returned with the reply.*



---

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lynn Doucette-Stamm and David Bush  
Application No.: 10/617,320 Group: 1645  
Filed: July 10, 2003 Examiner: Not Yet Assigned  
Confirmation No.: 8003

For: NUCLEIC ACID AND AMINO ACID SEQUENCES RELATING TO  
*STREPTOCOCCUS PNEUMONIAE* FOR DIAGNOSTICS AND  
THERAPEUTICS

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
Date	Signature
Typed or printed name of person signing certificate	

REPLY TO NOTICE TO COMPLY OF NONPROVISIONAL APPLICATION

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Reply to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, mailed from the U.S. Patent and Trademark Office on November 14, 2003, for the above-referenced application. A petition to extend the shortened statutory period for four (4) months, from January 14, 2004 to May 14, 2004, and the appropriate fee are enclosed with the Reply.

Copies of the following documents, filed with the application on July 10, 2003, are enclosed with this Reply and referenced in the Reply:

- [ X ] Originally filed Utility Application Transmittal;
- [ X ] Originally filed Preliminary Amendment; and
- [ X ] Date-Stamped Postcard Receipt evidencing receipt of the above-referenced documents.

The Notice to Comply states that additional claims fees are due (\$86.00) for the referenced application. Our records indicate 28 total claims of which 9 are independent, were filed on July 10,

Express Mail Label No. EV 052032940 05  
Date: May 13, 2004

2003. We concluded that the 9 independent claims are Claims 1, 5, 9, 10, 17, 25, 26, 27 and 28. The following is a breakdown of the claims dependencies as filed.

Claim 1 is independent.  
Claim 2 is dependent on Claim 1.  
Claim 3 is dependent on Claim 2.  
Claim 4 is dependent on Claim 3.  
Claim 5 is independent.  
Claim 6 is dependent on Claim 5.  
Claim 7 is dependent on Claim 6.  
Claim 8 is dependent on Claim 7.  
Claim 9 is independent.  
Claim 10 is independent.  
Claim 11 is dependent on Claim 5.  
Claim 12 is dependent on Claim 11.  
Claim 13 is dependent on Claim 12.  
Claim 14 is dependent on Claim 11.  
Claim 15 is dependent on Claim 14.  
Claim 16 is dependent on Claim 14.  
Claim 17 is independent.  
Claim 18 is dependent on Claim 17.  
Claim 19 is dependent on Claim 18.  
Claim 20 is dependent on Claim 19.  
Claim 21 is dependent on Claim 18.  
Claim 22 is dependent on Claim 21.  
Claim 23 is dependent on Claim 21.  
Claim 24 is dependent on Claim 5.  
Claim 25 is independent.  
Claim 26 is independent.  
Claim 27 is independent.  
Claim 28 is independent.

Therefore, Applicants believe that the claims fees paid on July 10, 2003 are correct and that no additional fees are due.

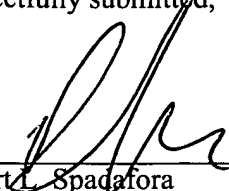
As required by 37 C.F.R. §1.821(c), Applicants submit herewith a paper copy of the Sequence Listing.

Pursuant to 37 C.F.R. §1.821(e), it is hereby requested that the computer readable form of the Sequence Listing filed on June 30, 1998 in prior Application No. 09/107,433, filed June 30, 1998, serve as the computer readable form for the subject application.

As required by 37 C.F.R. §1.821(f), the undersigned hereby states that the content of the Sequence Listing in paper form filed concurrently herewith and the content of the above-referenced computer readable form of the Sequence Listing filed in prior Application No. 09/107,433 are the same. As required by 37 C.F.R. §1.821(g), the undersigned also states that the submission contains no new matter.

As shown in a copy of the Preliminary Amendment filed with the application on July 10, 2003, a statement directing entry of the Sequence Listing into the application and a description of the Sequence Listing was provided.

Respectfully submitted,

By   
Robert L. Spadafora  
Registration No.: 46,197  
Tel.: (781) 398-2300  
Fax: (781) 398-2530

Waltham, Massachusetts 02453

Date:

5/1/04